

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

IN RE:

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

**Schmidt, Ronnie F.**

Chapter **13**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: **April 24, 2017**

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor shall pay tier payments of **\$1,200.00** per month for 7 months; **\$4,768.00** per month for 53 months to the Chapter 13 Trustee, starting on **8/01/2016**.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:  
☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

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a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Internal Revenue Service</b>	<b>Taxes</b>	<b>87,393.17</b>
<b>State Of New Jersey</b>	<b>Taxes</b>	<b>5,899.17</b>
<b>Chapter 13 Standing Trustee</b>	<b>507(a)(1) Admin Exp.</b>	<b>To Be Determined</b>
<b>Daniel E. Straffi, Jr.</b>	<b>507(a)(1) Admin Exp.</b>	<b>1,500.00</b>
<b>Santander Consumer</b>	<b>Attorney Fees</b>	<b>431.00</b>

**Part 4: Secured Claims****a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
<b>None</b>					

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
<b>State of New Jersey</b>	<b>106 Bash Rd., Toms River, NJ</b>	<b>\$3736.14</b>	<b>\$248,000.00</b>	<b>\$351,675.78</b>	<b>\$0.00</b>	<b>0.00</b>	<b>\$0.00</b>
<b>Wells Fargo Bank, NA</b>	<b>106 Bash Rd., Toms River, NJ</b>	<b>\$36,578.35</b>	<b>\$248,000.00</b>	<b>\$351,675.78</b>	<b>\$0.00</b>	<b>0.00</b>	<b>\$0.00</b>

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**Santander Consumer Usa - Boat Loan**  
**Toyota Motor Credit Co - Car Loan**

**e. Secured Claims to Be Paid in Full Through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
Internal Revenue Service	106 Bash Rd., Toms River, NJ	\$37,797.50

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of	Type of	Amount of	Value of	Amount of	Sum of	Amount of
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	Collateral	Lien	Lien	Collateral	Claimed Exemption	All Other Liens Against the Property	Lien to be Avoided
None							

**b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
State Of New Jersey	106 Bash Rd. Toms River, NJ 08753-7201	3,736.14
Wells Fargo Bank, NA	106 Bash Rd, Toms River, NJ 08753-7201	36,578.00

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

**Part 8: Other Plan Provisions****a. Vesting of Property of the Estate**

☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

**d. Post-petition claims** The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 04/24/2017

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified.
The plan was modified to remove the loan modification and arrearages due Seterus, Inc. The Debtor has entered into a Loan Modification Agreement and an Order Approving Loan Modification was entered on March 16, 2017.	The plan was modified by removing the loan modification and arrearages due Seterus, Inc. The Debtor has entered into a Loan Modification Agreement and an Order Approving Loan Modification was entered on March 16, 2017.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

#### Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: July 12, 2016

/s/ Daniel E. Straffi, Jr.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: July 12, 2016

/s/ Ronnie F. Schmidt

Debtor

Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Ronnie F. Schmidt  
 Debtor

Case No. 16-23353-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 51

Date Rcvd: May 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 04, 2017.

db Ronnie F. Schmidt, 106 Bash Rd, Toms River, NJ 08753-7201  
 aty Pluese, Becker & Saltzman, 20000 Horizon Way, Suite 900, Mt. Laurel, NJ 08054-4318  
 cr +Santander Consumer USA Inc., an assignee of GEMB L, P.O. Box 562088, Suite 900 North,  
 Dallas, TX 75356-2088  
 lm +Seterus, Inc., 14523 SW Millikan Way, Suite 200, Beaverton, OR 97005-2352  
 cr +Seterus, Inc. as the authorized subservicer for Fe, PO Box 1047, Hartford, CT 06143-1047  
 516283668 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank Of America, NA, 4161 Piedmont Parkway,  
 Greensboro, NC 27410)  
 516283667 Bank Of America, NC4-105-03-14, PO Box 26012, Greensboro, NC 27420-6012  
 516485602 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 516283670 Chae Mortgage, 3415 Vision Dr, Columbus, OH 43219-6009  
 516283671 Chase Card Services, Attn: Correspondence Dept, PO Box 15298, Wilmington, DE 19850-5298  
 516283672 Citibank, Citicorp Credit/Centralized Bankruptcy, PO Box 790040,  
 Saint Louis, MO 63179-0040  
 516283673 Citibank / Sears, Citicorp Credit Services/Centralized Ban, PO Box 790040,  
 Saint Louis, MO 63179-0040  
 516283674 Citibank/the Home Depot, Citicorp Credit Svcs/Centralized Bankrup, PO Box 790040,  
 Saint Louis, MO 63179-0040  
 516283675 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
 (address filed with court: Dell Financial Services, PO Box 81577, Austin, TX 78708-1577)  
 516283677 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180  
 (address filed with court: Ford Motor Credit, PO Box 62180,  
 Colorado Springs, CO 80962-2180)  
 516513675 +Fay Servicing, LLC, Bankruptcy Department, 939 W. North Avenue Suite 680,  
 Chicago, Illinois 60642-1231  
 516513676 +Fay Servicing, LLC, Bankruptcy Department, 939 W. North Avenue Suite 680,  
 Chicago, Illinois 60642, Fay Servicing, LLC, Bankruptcy Department 60642-1231  
 516283679 Michele L. Schmidt, 106 Bash Rd, Toms River, NJ 08753-7201  
 516283680 +Money Management International, 14141 Southwest Freeway, Suite 1000,  
 Sugar Land, TX 77478-3494  
 516283681 Northfork Bk, PO Box 30273, Salt Lake City, UT 84130-0273  
 516283682 Northstar Location Services, LLC, 4285 Genesee Street, Cheektowaga, NY 14225-1943  
 516380167 +PROF-2013-S3 Legal Title Trust II, by U.S. Bank Na, c/o Seterus, Inc., PO Box 1047,  
 Hartford, CT 06143-1047  
 516283683 Pier 1/Nb, PO Box 15298, Wilmington, DE 19850-5298  
 516283684 +Pluese, Becker & Saltzman, LLC, 2000 Horizon Way, Suite 900, Mount Laurel, NJ 08054-4303  
 516299076 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284  
 516303149 +SANTANDER CONSUMER USA, P.O. Box 961245, Fort Worth, TX 76161-0244  
 516494299 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Department of the Treasury,  
 Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)  
 516283685 #Santander Consumer USA, 8585 N Stemmons Fwy Ste 1100-N, Dallas, TX 75247-3822  
 516283687 Sears/Cbna, PO Box 6497, Sioux Falls, SD 57117-6497  
 516283688 +Seterus Inc, 14523 SW Millikan Way St Ste 200, Beaverton, OR 97005-2352  
 516283689 State Of New Jersey, Judgment Section, PO Box 245, Department Of Treasury, Div. Of Taxation,  
 Trenton, NJ 08695-0445  
 516283690 +State Of New Jersey Motor Vehicle, PO Box 4850 Violations Surcharge System,  
 Trenton, NJ 08650-4850  
 516283694 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Motor Credit Co, Toyota Financial Services, PO Box 8026,  
 Cedar Rapids, IA 52408-8026)  
 516338353 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
 516283695 Visa Dept Store National Bank, Attn: Bankruptcy, PO Box 8053, Mason, OH 45040-8053  
 516283696 Wachrl/Wells Fargo, Attn: Centralized Bankruptcy MAC R4057-0, PO Box 13765,  
 Roanoke, VA 24037-3765  
 516283697 Webbank/dfs, PO Box 81607, Austin, TX 78708-1607  
 516283699 Wells Fargo Bank, MAC F82535-02F, PO Box 10438, Des Moines, IA 50306-0438  
 516283698 Wells Fargo Bank, Credit, Bureau DISP, Des Moines, IA 50306  
 516283700 Wells Fargo Bank Nv NA, PO Box 31557, Billings, MT 59107-1557  
 516495774 Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F,  
 Des Moines, IA 50306-0438  
 516433814 Wells Fargo Bank, N.A., 1 Home Campus X2303-01A, Des Moines, IA 50328-0001  
 516364043 +Wells Fargo Bank, N.A., Business Direct Division, P.O. Box 29482, Phoenix, AZ 85038-9482  
 516283701 +Wells Fargo Bank, NA, 3476 Stateview Blvd, Fort Mill, SC 29715-7200

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 02 2017 22:30:34 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov May 02 2017 22:30:31 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 51

Date Rcvd: May 02, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

cr E-mail/Text: cio.bncmail@irs.gov May 02 2017 22:30:09  
United States of America (Internal Revenue Service, U.S. Attorney's Office,  
970 Broad Street, Suite 700, Newark, NJ 07102-2535  
516283669 E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com May 02 2017 22:35:09  
Capital One Auto Finance, 7933 Preston Rd, Plano, TX 75024-2302  
516283691 E-mail/PDF: gecsed@recoverycorp.com May 02 2017 22:23:44 Synchrony Bank/Banana Republic,  
Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104  
516283692 E-mail/PDF: gecsed@recoverycorp.com May 02 2017 22:23:21 Synchrony Bank/Lending Inc,  
Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104  
516283693 E-mail/PDF: gecsed@recoverycorp.com May 02 2017 22:23:44 Synchrony Bank/Lord & Taylor,  
Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
516283676\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Fia Csna/Bank of America, Attn: Bankruptcy, PO Box 15102,  
Wilmington, DE 19886-5102)  
516283678\* Internal Revenue Service, PO Box 7346, Special Procedures Branch, Bky Sec.,  
Philadelphia, PA 19101-7346  
516283686\* +Santander Consumer Usa, 8585 N Stemmons Fwy Ste 1100-n, Dallas, TX 75247-3822  
TOTALS: 0, \* 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 04, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 25, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Daniel E. Straffi on behalf of Debtor Ronnie F. Schmidt dstraффil@comcast.net,  
G25938@notify.cincompass.com  
Denise E. Carlon on behalf of Creditor PROF-2013-S3 Legal Title Trust II, by U.S. Bank  
National Association, as Legal Title Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Eamonn O'Hagan on behalf of Creditor United States of America (Internal Revenue Service)  
eamonn.ohagan@usdoj.gov  
Jenelle C Arnold on behalf of Creditor PROF-2013-S3 Legal Title Trust II, by U.S. Bank  
National Association, as Legal Title Trustee bkcefinbox@aldridgepite.com,  
jarnold@ecf.inforuptcy.com  
John R. Morton, Jr. on behalf of Creditor Santander Consumer USA Inc., an assignee of GEMB  
Lending Inc. mortonlaw.bcraig@verizon.net, tfitz@mortoncraig.com/mhazlett@mortoncraig.com  
Robert P. Saltzman on behalf of Creditor Seterus, Inc. as the authorized subservicer for  
Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. dnj@pbslaw.org  
TOTAL: 8